HONOURABLE SRI JUSTICE B.PRAKASH RAO

And

HONOURABLE SRI JUSTICE D.APPARAO

WEDNESDAY, THE EIGHTH DAY OF FEBRUARY TWO THOUSAND SIX

WRIT APPEAL No.785 of 1998

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Between:

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M.Sreeramulu .. Appellant

Vs.

1. Ch.Narasimha Rao, S/o.Suryanarayana Rao,
   Years, R/o.Dornagudem, East Godavari District
   and 16 others.

.. Respondents.

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JUDGMENT (Per Hon'ble Sri BPR,J):

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Heard Sri Badana Bhaskar Rao, learned counsel for the appellant and also Sri V.V.Ramana, learned counsel for the respondents.

2. The appellant herein who is a tribal/third party filed this appeal as against the common orders dated 05-06-1996 in W.P.No.8467 of 1993.

3. W.P.No.8467 of 1993 was taken up along with other two writ petitions being W.P.Nos.5276 and 7995 of 1993 and a common judgment was delivered by the

learned Single Judge.

4. The main question involved in those three writ petitions was as to whether the non tribal teachers could be appointed in a scheduled area on temporary basis, and if so to what extent.

5. The learned single Judge while allowing the writ petitions struck down part of the amendment made to G.O.Ms.No.73, dated 25-04-1987, which empowered the Government to appoint non-tribal teachers in scheduled areas.

6. However, during the course of arguments, it is pointed out by the learned counsel for the appellant that as against the common Judgment, in one of the three writ petitions i.e., W.P.No.5276 of 1993, an appeal has been filed by the Government in Writ Appeal No.874 of 1997, and this Court on 20-8-1997 by setting aside the order of the learned single Judge, allowed the appeal and held that the persons appointed as such should be entitled to continuance in their respective posts without any break as temporary employees, provided, they would be replaced by the qualified local tribals as and when such tribals were available. A direction was also made in regard to the appointment to be given in respect of the services rendered by such tribals.

7. Accordingly this Writ Appeal is allowed following the Judgment passed in Writ Appeal No.874 of 1997 by setting aside the orders passed in W.P.No.8467 of 1993 dated
05-06-1996. No costs.

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(B.PRAKASHRAO,J)

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(D.APPARAO, J)

February 6, 2006.

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